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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,620	11/15/1999	Todd C. Lawson	8762.37	3180

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EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
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2142
DATE MAILED: 08/13/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/440,620	LAWSON ET AL.
	Examiner	Art Unit
	Hai V. Nguyen	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 June 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-43 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-43 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This Action is in response to the communication received on 18 June 2003.
2. Claims 1-43 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lawson et al.** Patent no. (**US 5,721,825**) in view of **Boukobza et al.** patent no. (**US 6,122,664**).
5. As to claim 1, **Lawson**, System And Method For Global Event Notification And Delivery In A Distributed Computing Environment, discloses in a distributed computer system (DCE) that provides event globalizing of at least one event at one server in said DCE to other servers within said DCE, a method of maintaining a record of specific event activity over said DCE comprising:

storing a global event repository comprising a list of events and a corresponding list of servers in order to identify which of said servers should receive which events (*Lawson, col. 4, lines 45-53*);

storing a local event registry comprising a list of events and a corresponding list of local event consumers in order to identify which of said local event consumers should receive which events (*Lawson, col. 4, lines 45-53*); However, Lawson does not explicitly discloses identifying specific events within the list of events to be monitored for a specific purpose. Thus, the artisan would have been motivated to look into the related networking art for potential method and apparatus for implementing network monitoring process.

In the same field of endeavor, Boukobza, related Process For Monitoring A Plurality Of Type Of A Plurality Of Nodes From A Management Node In A Data Processing System By Distributing Configured Agents, discloses in an analogue art (i.e., network monitoring), identifying specific events (specific parameters or son objects) within the list of events to be monitored for a specific purpose (the list of parameters/son objects within the specific module for specific application like Oracle, or Tuxedo, or Sybase...). Boukobza discloses that each specific module, SM1, SM2,...,SMn, documents its predefined part by offering default lists for the selection of parameters to be measured... *During the configuration of the monitoring, the user of the management node describes the objects to be monitored... and specifies modifications relative to the default choice of the specific modules (Boukobza, col. 5, lines 47-67; col. 6, lines 1-15).* Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated of the teachings of Boukobza of the monitoring configurations with the teachings of Lawson, for the purpose of effectively monitoring the operation of one or more applications in a plurality of nodes

(*Boukobza, col. 2, lines 11-20*). Boukobza suggests that the process makes it possible to significantly reduce the traffic on the line and the reaction time when events occur (*Boukobza, col. 2, line 11-20*). Boukobza also suggests that while generally the object to be monitored is related to a single (basic) object which is part of production environment, this object can also be a global object (or global application), that is a set of basic objects containing, for example, one or more databases as well as an application of the Tuxedo type and possibly other basic objects. These global objects can either be known beforehand and therefore processed in a specific way, or unknown, in which case they are processed as an opaque entity which is opaque but which contains known basic objects. In each agent, installed as near as possible or locally to the objects to be processed, a plurality of specific modules are integrated, each module being specific to an object type such as Oracle, Informix, Tuxedo, UNIX system, distributed Print facility (DPF), etc. Each specific module measures parameters specific to the type of object it monitors, and suggests a default list of parameters to be measured, conditions to be evaluated and associated actions (*Boukobza, col. 2, line 66 – col. 4, line 22*). Boukobza also discloses that the parameter "ORA_FREE_TS", in which the measurement consists of determining the percentage of free space relative to the size of the table space....to the interface GUI (GUI/Events) (*Boukobza, col. 15, lines 10-45*).

Lawson-Boukobza discloses, monitoring said specific events as they occur over said DCE (*Boukobza, once the monitoring is configured, it can be activated (col. 6, lines 15-20)*); and

Lawson-Boukobza discloses notifying a specific local event consumer of the occurrence of said specific events (*Boukobza, to display the status of an object or the curve of a parameter or to notify the administrator (Boukobza, col. 6, lines 21-28; col. 15, lines 33-36)*); and

Lawson-Boukobza discloses recording a log of event activity involving only said specific events (*Boukobza, collecting (in the management node) the log files SL of the parameters as well as the log files of the actions of each node monitored (Boukobza, col. 6, lines 36-42)*).

6. As to claim 2, Lawson-Boukobza discloses, further comprising the step of storing filtering criteria that is used to filter specific events that occur so that only notification of events meeting the stored filtering criteria is sent (*Lawson, col. 5, lines 26-65; Boukobza, Abstract; col. 2, lines 13-38; col. 3, lines 40-59*).

7. As to claim 3, Lawson-Boukobza discloses, wherein said stored filtering criteria specifies at least one event consumer and the filtering criteria associated with the at least one event consumer (*Lawson, col. 5, lines 26-65; Boukobza, Abstract; col. 2, lines 13-38; col. 3, lines 40-59*).

8. As to claim 4, Lawson-Boukobza discloses, wherein said global event registry is accessible to a plurality of servers so that each of said plurality of servers can access the list of events and the corresponding list of servers stored in said global event registry (*Boukobza, by downloading the configuration file, for example, the autonomous agents are installed via the interface IWMN (of the node N1) with the management node MN, in the nodes to be monitored from the MN, col. 4, lines 35-67; col. 5, 1-18*).

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9. As to claim 5, Lawson-Boukobza discloses, wherein said global event registry is distributed across a plurality of servers and wherein said plurality of servers can access said global event registry to retrieve desired information therefrom (*Boukobza, col. 4, lines 35-67; col. 5, 1-18*).

10. As to claim 6, Lawson-Boukobza discloses, further comprising the step of registering for an event by placing an entry into at least one of said global event registry or said local event-registry, said entry comprising a server and a corresponding event if said-envy is placed in said global event registry and said entry comprising a local event consumer and a corresponding event if said entry is placed in said local event registry (*Lawson, col. 10, lines 1-67; Boukobza, col. 5, lines 19-62*).

11. As to claim 7, Lawson-Boukobza discloses, further comprising the step of creating a new event type by placing an entry into at least one of said global event registry or said local event registry, said entry comprising a server and a corresponding new event type if said entry is placed in said global event registry and said entry comprising a local event consumer and a corresponding new event type if said entry is placed in said local event registry (*Lawson, col. 10, lines 1-67; Boukobza, col. 5, lines 19-62*).

12. As to claim 8, Lawson-Boukobza discloses, wherein the notifying step further comprises notifying a system administrator of the specific event (*Boukobza, col. 6, lines 21-28*).

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13. As to claim 9, Lawson-Boukobza discloses, wherein the recording step comprises recording information regarding the specific events (*Boukobza, col. 6, lines 36-42*).

14. As to claim 10, Lawson-Boukobza discloses, wherein the recorded information is selected from the list comprising: time of occurrence, event source type, setting name, event name, class name, perpetrator, originating server, attribute name, attribute value (*Lawson, col. 5, lines 47-62*).

15. As to claim 11, Lawson-Boukobza discloses, in a distributed computer system (DCS) that provides-event globalizing of at least one event at one server in said DCS to other-servers -within said DCS, a method of maintaining a record of specific event activity over said DCS comprising:

storing a global event repository comprising a list of events and a corresponding list of servers in order to identify which of said servers should receive which events (*Lawson, col. 4, lines 45-53*);

storing a local event registry comprising a list of events and a corresponding list of local event consumers in order to identify which of said local event consumers should receive which events (*Lawson, col. 4, lines 45-53*);

identifying specific events within the list of events to be monitored for a specific purpose (*Boukobza, col. 5, lines 47-67; col. 6, lines 1-15*);

monitoring said specific events as they occur over said DCS (*Boukobza, once the monitoring is configured, it can be activated (col. 6, lines 15-20)*);

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automatically updating the local event registry based upon authorized changes to a given event or local event consumer (*Boukobza, the updating of the list of the nodes in which an autonomous agent is installed is done automatically by the management node (col. 4, lines 35-67; col. 5, lines 1-18);*

notifying a specific local event consumer of the occurrence of said specific events (*Boukobza, to display the status of an object or the curve of a parameter or to notify the administrator (Boukobza, col. 6, lines 21-28))*; and

recording a log of event activity involving only said specific events (*Boukobza, collecting (in the management node) the log files SL of the parameters as well as the log files of the actions of each node monitored (Boukobza, col. 6, lines 36-42)).*

16. Claims 12-15 are the corresponding method claims of claims 2-5; therefore, they are rejected under the same rationale.

17. As to claim 16, Lawson-Boukobza discloses, wherein said notifying step further comprises evaluating a set of rules to determine the specific event consumer to notify (*Boukobza, col. 3, lines 40-67; col. 4, lines 1-22; col. 5, lines 63-67; col. 6, lines 1-15*).

18. As to claim 17, Lawson-Boukobza discloses, wherein said notifying step further comprises filtering said specific went to match said specific event to an appropriate event consumer (*Boukobza, one of the basic function BF requesting the value will transfer this request to the management node, which will then direct to the appropriate node (Boukobza, col. 5, lines 19-67; col. 6, lines 1-15)*.

19. Claims 18-20 are substantially the same as claims 8-10; therefore they are rejected under the same rationale.

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20. As to claim 21, Lawson-Boukobza discloses in a distributed computer system (DCS) that provides event globalizing of at least one event at one server in said DCS to other servers within said DCS, a method of maintaining a record of specific event activity-over said DCS comprising:

storing a global event repository comprising a list of events and a corresponding list of servers in order to identify which of said servers should receive which events (*Lawson, col. 4, lines 45-53*);

storing a local event registry comprising a list of events and a corresponding list of local event consumers in order to identify which of said local event consumers should receive which events (*Lawson, col. 4, lines 45-53*);

identifying specific events within the fist of events to be monitored for a specific purpose (*Boukobza, col. 5, lines 47-67; col. 6, lines 1-15*);

monitoring said specific events as they occur over-said DCS (*Boukobza, once the monitoring is configured, it can be activated (col. 6, lines 15-20)*);

automatically updating the local event registry based upon authorized changes to a given event or local event consumer (*Boukobza, the updating of the list of the nodes in which an autonomous agent is installed is done automatically by the management node (col. 4, lines 35-67; col. 5, lines 1-18)*);

notifying a specific local event consumer of the occurrence of said specific events (*Boukobza, to display the status of an object or the curve of a parameter or to notify the administrator (Boukobza, col. 6, lines 21-28)*);

revoking a specific event that is not authorized (*Boukobza, "param_ident" is the identifier of the parameter. For the parameters predefined by the specific modules, "param_ident" is a described keyword: the user can modify certain attributes of this predefined parameter (period, "trace", display, the condition) or suppress it but he can not change the command, col. 9, lines 10-19*); and

recording a log of event activity involving only said specific events (*Boukobza, collecting (in the management node) the log files SL of the parameters as well as the log files of the actions of each node monitored (Boukobza, col. 6, lines 36-42)*).

21. Claims 22-30 are substantially the same as claims 12-20; therefore, they are rejected under the same rationale.

22. Claim 31 recites a system corresponding to the method of operations of claim 1. The system claimed is obvious in that it simply follows the logical implementation of the method indicated in the referenced claims to perform each of the logical steps of managing network monitoring method that results from the combination of the references discussed above regarding the claims to the method of operations. Thus, the system described in claim 31 would have been obvious in view of the elements provided in the combination of the references, which correspond to the steps in the method for the same reasons discussed above regarding claim 1.

23. Claims 32-40 are substantially the same as claims 22-30; therefore they are rejected under the same rationale.

24. As to claim 41, Lawson-Boukobza discloses, wherein the global event services controller updates the local event registry based upon authorized changes to a given

event or local event consumer (*Boukobza, the updating of the list of the nodes in which an autonomous agent is installed is done automatically by the management node (col. 4, lines 35-67; col. 5, lines 1-18)*);

25. As to claim 42, Lawson-Boukobza discloses, wherein the data event controller revokes a specific event that is not authorized (*Boukobza, "param_ident" is the identifier of the parameter. For the parameters predefined by the specific modules, "param_ident" is a described keyword: the user can modify certain attributes of this predefined parameter (period, "trace", display, the condition) or suppress it but he can not change the command, col. 9, lines 10-19*).

26. As to claim 43. Lawson-Boukobza discloses, wherein each event consumer utilizes the set of rules to determine what action to take (*Boukobza, col. 27, lines 38-67; col. 28, lines 1-31*).

Response to Arguments

27. Applicant's arguments filed 18 June 2003 have been fully considered but they are not persuasive.

28. In the remarks, Applicant argued in substance that

(A) "There is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings" in claim 1.

29. As to the point (A), In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can

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only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, As to claim 1, Lawson, System And Method For Global Event Notification And Delivery In A Distributed Computing Environment, discloses in a distributed computer system (DCE) that provides event globalizing of at least one event at one server in said DCE to other servers within said DCE, a method of maintaining a record of specific event activity over said DCE comprising:

storing a global event repository comprising a list of events and a corresponding list of servers in order to identify which of said servers should receive which events (*Lawson*, col. 4, lines 45-53);

storing a local event registry comprising a list of events and a corresponding list of local event consumers in order to identify which of said local event consumers should receive which events (*Lawson*, col. 4, lines 45-53); However, Lawson does not explicitly disclose identifying specific events within the list of events to be monitored for a specific purpose. Thus, the artisan would have been motivated to look into the related networking art for potential method and apparatus for implementing network monitoring process.

In the same field of endeavor, Boukobza, related Process For Monitoring A Plurality Of Type Of A Plurality Of Nodes From A Management Node In A Data Processing System

By Distributing Configured Agents, discloses in an analogue art (i.e., network monitoring), identifying specific events (*specific parameters or son objects*) within the list of events to be monitored for a specific purpose (*the list of parameters/son objects within the specific module for specific application like Oracle, or Tuxedo, or Sybase...*). Boukobza discloses that each specific module, SM1, SM2,...,SMn, documents its predefined part by offering default lists for the selection of parameters to be measured... *During the configuration of the monitoring, the user of the management node describes the objects to be monitored... and specifies modifications relative to the default choice of the specific modules (Boukobza, col. 5, lines 47-67; col. 6, lines 1-15).* Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated of the teachings of Boukobza of the monitoring configurations with the teachings of Lawson, for the purpose of effectively monitoring the operation of one or more applications in a plurality of nodes (Boukobza, col. 2, lines 11-20). Boukobza suggests that the process makes it possible to significantly reduce the traffic on the line and the reaction time when events occur (Boukobza, col. 2, line 11-20). Boukobza also suggests that while generally the object to be monitored is related to a single (basic) object which is part of production environment, this object can also be a global object (or global application), that is a set of basic objects containing, for example, one or more databases as well as an application of the Tuxedo type and possibly other basic objects. These global objects can either be known beforehand and therefore processed in a specific way, or unknown, in which case they are processed as an opaque entity which is opaque but which

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contains known basic objects. In each agent, installed as near as possible or locally to the objects to be processed, a plurality of specific modules are integrated, each module being specific to an object type such as Oracle, Informix, Tuxedo, UNIX system, distributed Print facility (DPF), etc. Each specific module measures parameters specific to the type of object it monitors, and suggests a default list of parameters to be measured, conditions to be evaluated and associated actions (*Boukobza, col. 2, line 66 – col. 4, line 22*). Boukobza also discloses that the parameter “ORA_FREE_TS”, in which the measurement consists of determining the percentage of free space relative to the size of the table space....to the interface GUI (GUI/Events) (*Boukobza, col. 15, lines 10-45*).

Lawson-Boukobza discloses, monitoring said specific events as they occur over said DCE (*Boukobza, once the monitoring is configured, it can be activated (col. 6, lines 15-20)*); and

Lawson-Boukobza discloses notifying a specific local event consumer of the occurrence of said specific events (*Boukobza, to display the status of an object or the curve of a parameter or to notify the administrator (Boukobza, col. 6, lines 21-28; col. 15, lines 33-36)*); and

Lawson-Boukobza discloses recording a log of event activity involving only said specific events (*Boukobza, collecting (in the management node) the log files SL of the parameters as well as the log files of the actions of each node monitored (Boukobza, col. 6, lines 36-42)*).

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800/4700.

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Any response to this final action should be mailed to:

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or faxed to:

(703) 746-7239, (for **formal communications**; please mark
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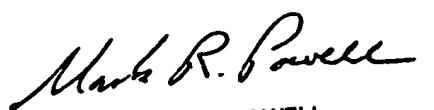
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Or:

(703) 746-7238 (for After Final communications).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).



MARK POWELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Hai V. Nguyen
Examiner
Art Unit 2142

